

Sun, Selina (MYR)

From: MayorSunshineRequests, MYR (MYR)
Sent: Monday, April 30, 2018 5:00 PM
To: Sun, Selina (MYR)
Subject: FW: California Public Records Act Request: Ed Lee Emails

Selina,

Would you have any responsive records? Please let me know thanks!

Victor Wai Ho Lim | 林偉浩

Deputy Communications Director | 副主任

Mayor's Office of Communications | 市長新聞辦公室

1 Dr. Carlton B. Goodlett Place, Room 291

San Francisco, CA 94102-4639

(415) 554-6148 | Victor.Lim@sfgov.org

[Facebook](#) | [Twitter](#) | [Instagram](#) | [Google +](#)

From: 52899-65641505@requests.muckrock.com [mailto:52899-65641505@requests.muckrock.com]

Sent: Friday, April 27, 2018 10:03 PM

To: MayorSunshineRequests, MYR (MYR) <mayorsunshinerequests@sfgov.org>

Subject: California Public Records Act Request: Ed Lee Emails

April 28, 2018

To Whom It May Concern:

Pursuant to the California Public Records Act, I hereby request the following records:

I would like to obtain all emails sent to, from, or copied to Ed Lee Former Mayor of San Francisco from January 1, 2015 to Present day, containing any of the following non-case-sensitive key-strings: 'EB-5', 'Regional Center', 'USCIS' or 'EB5'.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 10 calendar days, as the statute requires.

Sincerely,

Taylor Scott Amarel

Filed via MuckRock.com

E-mail (Preferred): 52899-65641505@requests.muckrock.com

Upload documents directly: [https://www.muckrock.com/accounts/agency_login/office-of-the-mayor-3891/ed-lee-emails-52899/?uuid-login=18ad7c98-fade-41d0-97f0-](https://www.muckrock.com/accounts/agency_login/office-of-the-mayor-3891/ed-lee-emails-52899/?uuid-login=18ad7c98-fade-41d0-97f0-231a42c64720&email=mayorsunshinerequests%40sfgov.org#agency-reply)

[231a42c64720&email=mayorsunshinerequests%40sfgov.org#agency-reply](https://www.muckrock.com/accounts/agency_login/office-of-the-mayor-3891/ed-lee-emails-52899/?uuid-login=18ad7c98-fade-41d0-97f0-231a42c64720&email=mayorsunshinerequests%40sfgov.org#agency-reply)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 52899

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

Sun, Selina (MYR)

From: Scott Rafferty <[REDACTED]>
Sent: Friday, December 22, 2017 1:03 PM
To: Bryan, Diane (POL)
Cc: Lee, Mayor (MYR); Calvillo, Angela (BOS); SOTF, (BOS); Breed, London (BOS); Cohen, Malia (BOS); Sheehy, Jeff (BOS); Tang, Katy (BOS); Yee, Norman (BOS); Farrell, Mark (BOS); Fewer, Sandra (BOS); Kim, Jane (BOS); Peskin, Aaron (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Scott, William (POL); Sainez, Hector (POL); Engagement, Civic (ADM); robert.moser@sfgov.org; Lazar, David (POL); Walsh, Peter
Subject: Immigrant's Urgent Need for Arrest Report [REDACTED]

Ms Bryan -

On 11/28/17, you denied of my client [REDACTED] request for the report generated by her domestic abuse call to 911, which somehow resulted in her arrest. She paid a \$2,000 bail bond to avoid ICE detention from jail and was release without charges. She cooperated with two prior VAWA investigations (in 2011 and 2013) and has been in queue for 4 years for a U-Visa, but USCIS now requires details of her arrest including the actual officer's arrest report, which they claim shows "criminality" on her part.

Since receiving your decision, I have tried several times to reach SVU Officer Hilder #869, who was out sick or on training, or a supervisor or SVU immigrant liaison. Now, SVU is going to voice mail and I do not have an email or even first name to communicate directly.

The inability to provide and explain the document required by USCIS is becoming a serious threat to my client's liberty, since there is a statutory ban on any extension of time to provide evidence relating to their claim of "criminality." Although I do not believe we have spoken, several officers in legal and records for SFPD have indicated that there is no administrative review of PRA denials and that Officer Hilder's judgment is final. Absent an emergency writ, there is certainly no time for judicial review.

Certainly, if [REDACTED] had been charged, she would have a constitutional right to the arrest report. The fact that she has not been charged should not deprive her of access to her own arrest report. The denial is all the more arbitrary because the criminal court clerk told us it is part of the public docket. The court clerk also stated that the docket could be retrieved from archives in one week (i.e., by 12/13) but yesterday extended the date on which may be available to January 10, 2018 - after the USCIS deadline, which cannot be extended. 8 CFR 103.2(b)(8)(iv).

SFPD has supported the immigrant community, and invested in the visa application process of this worthy constituent in particular. I would plead that you assist in obtain the records that USCIS requires (as well as the most sympathetic and supportive explanation that SVU and the city government can provide). If this is beyond your normal duties, please direct me to the appropriate officials so that I may intercede on my client's behalf as soon as possible. The community has supported our immigrant population, so it would be inappropriate for a records delay to prejudice this constituent's visa or even result in her unjustified deportation. She is a valued contributor to our city, who has assisted the police in the past and has committed no crime.

Scott Rafferty



Sun, Selina (MYR)

From: Scott Rafferty <[REDACTED]>
Sent: Thursday, December 21, 2017 5:06 PM
To: Lee, Mayor (MYR)
Subject: Emergency referral for Immigrant who Supported SFPD

Time is running out for my client, who must produce an arrest report and explanation to USCIS or face deportation. She has been in the U-Visa queue since 2014 based on her assistance to SFPD in two prior domestic violence investigations. The unjustified withholding of records she is required to produce, on pain of deportation, is a matter for which the Mayor should take responsibility.

She called 911 this summer when her husband pushed her, but was arrested (and released without charges). She had defensively scratched his face, and it is apparently standard practice to separate parties in residential abuse calls by arresting the one who presents no visible injuries. She was not charged and released for lack of evidence. SVU refuses to provide her her own arrest report! Police Records says the city has no administrative review of records act requests, so SVU's decision is final! SVU says only Officer Hilder can help and declines to identify superior or U-Visa coordinator. Officer Hilder has been out sick or on training, and has not returned calls since 12/6. The criminal court said the report was public but archived, and could be made available by 12/13 - but now says mid-Jan, after the federal deadline. Today, SFPD record identified SVU Srg. Antonio Flores as U-Visa coordinator, but he is now gone until Jan.

Today, I received two unhelpful responses from agencies to which the Mayor's Office referred me.

(1) Office of Civic Engagement and Immigrant Affairs, whose website promises immigrants:

"Whatever the type of Administrative Relief announced, certain steps may be easily taken by potential applicants prior to application process implementation. **To assist potential applicants, OCEIA will coordinate efforts among existing City, Community and philanthropic partners.**"

They seem well placed to help obtain the critical record from SVU or the criminal court. Instead,. Agent stated that they only make grants. I asked ED Pon to call, which has not occurred.

(2) Mayor's Office of Neighborhood Services. "MONS is dedicated to helping the citizens of the City & County of San Francisco receive the highest levels of service possible from all areas of City government." I assume help for "citizens" includes casework for immigrants who have pending U-Visas based on their service to SFPD. But Kallena states that MONS does not get involved in "legal disputes." This is not a legal dispute. There is no arrest or pending action. We are just trying to get a public record - and hopefully a sympathetic explanation to prevent the Trump administration from deporting a woman who assisted SFPD. This is constituent casework involving SFPD, for which the Mayor's office should be responsible. Kallena referred me to Legal Aid, but I explained that **I am the legal aid attorney.** Then she referred me to the "Immigrant Center for Women & Children," specifically confirming that it was a CITY agency. Of course, it is not.

This is a deportation-threatening crisis for my client, who has assisted the city. She deserves your help, and needs it urgently.

Scott Rafferty



Sun, Selina (MYR)

From: [REDACTED]
Sent: Tuesday, February 14, 2017 11:44 AM
To: mayoremail@sanjoseca.gov; Lee, Mayor (MYR); mayor@fresno.gov;
mayor@longbeach.gov; officeofthemayor@oaklandnet.com; mayor@bakersfieldcity.us;
yxstiang@moval.org; awarren@fontana.org
Subject: Fwd: Extreme delay in my EB 5 case

----- Forwarded message -----

From: [REDACTED] >
Date: Tue, Feb 14, 2017 at 11:22 AM
Subject: Extreme delay in my EB 5 case
To: USCIS.ImmigrantInvestorProgram@dhs.gov

Hi

I want to bring to your urgent notice the extreme delay in my I 526 application. The given time period on the USCIS website was 14 months, and I filed in August 2015. Now it is February 2017. It is over 18 months. I dont understand why is there a delay in my case. I have contacted the USCIS so many time over email, over the phone but no one seems to botehr or care. Why is this happening I would really like a answer to this problem of mine.

My case number is : [REDACTED]

I am an orthodontist from India. I applied for a green card through the EB5 investor green card program. I intend in doing an independent project in the state of California. I wish to open dental offices in the under privileged parts of Ca so that i can provide quality dental care at very low prices to all the underprivileged residents of certain counties who do not have proper access to good dental treatment. i followed all the rules and regulations and submitted my application to the USCIS on 24th August 2015. The processing time listed on the official USCIS website was 14 months. Today it has been over 18 months and still I haven't got my approval. I have tried to contact the USCIS multiple times but no answer from their side. I beg you to look into my matter and help me in any way possible. I am a person with good intentions and a law abiding human being. Why is this happening to me.

REGARDS,
[REDACTED]

WHEN IT IS DARK ENOUGH.... THEN YOU CAN SEE THE STARS.

==
REGARDS,



WHEN IT IS DARK ENOUGH....THEN YOU CAN SEE THE STARS.

Sun, Selina (MYR)

From: [REDACTED]
Sent: Tuesday, February 14, 2017 11:44 AM
To: mayoremail@sanjoseca.gov; Lee, Mayor (MYR); mayor@fresno.gov;
mayor@longbeach.gov; officeofthemayor@oaklandnet.com; mayor@bakersfieldcity.us;
yxstiang@moval.org; awarren@fontana.org
Subject: Fwd: Extreme delay in my EB 5 case

----- Forwarded message -----

From: [REDACTED]
Date: Tue, Feb 14, 2017 at 11:22 AM
Subject: Extreme delay in my EB 5 case
To: USCIS.ImmigrantInvestorProgram@dhs.gov

Hi

I want to bring to your urgent notice the extreme delay in my I 526 application. The given time period on the USCIS website was 14 months, and I filed in August 2015. Now it is February 2017. It is over 18 months. I dont understand why is there a delay in my case. I have contacted the USCIS so many time over email, over the phone but no one seems to botehr or care. Why is this happening I would really like a answer to this problem of mine.

My case number is : [REDACTED]

I am an orthodontist from India. I applied for a green card through the EB5 investor green card program. I intend in doing an independent project in the state of California. I wish to open dental offices in the under privileged parts of Ca so that i can provide quality dental care at very low prices to all the underprivileged residents of certain counties who do not have proper access to good dental treatment. i followed all the rules and regulations and submitted my application to the USCIS on 24th August 2015. The processing time listed on the official USCIS website was 14 months. Today it has been over 18 months and still I haven't got my approval. I have tried to contact the USCIS multiple times but no answer from their side. I beg you to look into my matter and help me in any way possible. I am a person with good intentions and a law abiding human being. Why is this happening to me.

--

REGARDS,
[REDACTED]

WHEN IT IS DARK ENOUGH....THEN YOU CAN SEE THE STARS.

--
REGARDS,

WHEN IT IS DARK ENOUGH.... THEN YOU CAN SEE THE STARS.

Sun, Selina (MYR)

From: Prathap Singh <[REDACTED]>
Sent: Wednesday, May 25, 2016 8:05 AM
To: Chandler, Mark (ECN)
Cc: Lee, Mayor (MYR); Goudeau, Matthew (MYR)
Subject: Re: San Francisco Visit

Dear Mr. Mark

Good to hear from you. I did not mean representation in India for SFO city but what I meant was various businesses from other states in India also have expressed interest to to me to explore doing business in SFO. M&As, transfer of technology, investments in SFO, EB5 program are the kind of options Indian companies are trying to explore. In my honarary capacity, under the terms and conditions set by the city, it would be my honor to recruit business for SFO from India.

If that is part of the plan of the city to seek more business and investments into SFO from not just Bangalore but from across India, then u can authorise me with a formal letter from the city which makes it more professional when i interact with these people here to put a delegation together to explore conducting business in SFO. That's exactly what I have done with GA in over a decade now.

Have a good day.

Regards
Prathap Singh

On Tuesday, May 24, 2016, Chandler, Mark (ECN) <mark.chandler@sfgov.org> wrote:

Dear Mr. Singh:

Thank you very much for all the great information and background. At this time our city is not pursuing any representation in India. If that changes I will be happy to let you know and we could proceed.

Cheers,

Mark Chandler

Director, San Francisco Mayor's Office of International Trade and Commerce

Room 200, City Hall

San Francisco, CA 94102 USA

Tel. 1-415-554-5628, FAX 1-415-554-5255

mark.chandler@sfgov.org

From: Prathap Singh [REDACTED]
Sent: Friday, May 20, 2016 2:32 AM
To: Lee, Mayor (MYR) <mayoredwinlee@sfgov.org>; Chandler, Mark (ECN) <mark.chandler@sfgov.org>
Cc: Goudeau, Matthew (MYR) <matthew.goudeau@sfgov.org>
Subject: Re: San Francisco Visit

Dear Mayor Edwin Lee

Greetings to you.

It's been a while since I communicated with your office. I am glad to appraise you that not just Bangalore but few other prominent states in India and various chambers of commerce, Industrial & trade bodies in those states have expressed interest to explore business opportunities in SFO.

I have represented Fulton County, Ga and Valdosta city, Ga for several years representing them Pan India. It would be my privilege to offer my services to represent SFO Pan India in my honorary capacity. As we all know that this century belongs to Asia where the world's largest economies China, Japan and India are sitting. US, China and India will remain the world's 3 largest economies for many many years to come and the untapped potential between India and US is huge. It's my small effort in tapping that.

I have enclosed few documents in this email. Please do have a look at it.

I appreciate if your office can extend a similar letter of support to me on the lines of Fulton County and Valdosta city to represent SFO to lead bilateral trade delegations between SFO and various other states in India. Even a formal letter like the one which was sent to KASSIA is also good enough to establish my relationship with SFO which makes me look more credible while recruiting business for SFO. Please note this relationship would not cost anything monetarily as I am extending my services as a good will ambassador just like what I did to Fulton County and Valdosta City.

Look forward to hear from you at the earliest.

You have a good day.

Regards

Prathap Singh

[REDACTED]

On Fri, Jan 28, 2011 at 4:21 AM, <Mark.Chandler@sfgov.org> wrote:

Dear Mr. Singh:

On behalf of Mayor Edwin Lee, thank you very much for your recent email regarding the planned visit of the KASSIA group to the United States and particularly to San Francisco. I am pleased that we are Sister Cities with Bangalore and we all fondly remember the warm welcome that we received during our visit with our former Mayor, Gavin Newsom in 2009. As you can guess building stronger economic ties is a major focus of this relationship, so we are honored that KASSIA will be visiting.

I look forward to working with you on this and will get back to you as soon as I review your requests.

Sincerely,

Mark Chandler
Director, San Francisco Mayor's Office of International Trade and Commerce
Room 448, City Hall
San Francisco, CA 94102 USA
tel. 1-415-554-5628, FAX 1-415-554-6018
Email: Mark.Chandler@sfgov.org

Sun, Selina (MYR)

From: Kane, Donna K <Donna.K.Kane@uscis.dhs.gov>
Sent: Thursday, April 28, 2016 4:54 AM
To: [REDACTED]; Rodriguez, Leon; alejandro.mayorkas@dhs.gov; Alejandro.N.Mayorkas@uscis.dhs.gov
Cc: Lee, Mayor (MYR); senator@feinstein.senate.gov; [REDACTED]; Robert.Silvers@uscis.dhs.gov; talktodol@dol.gov; klee@ostp.eop.gov
Subject: RE: Delay from USCIS for MTR // Re: Help from USICS this Christmas for a tiny San Francisco startup

Donna Kane her at the VSC – I will look into this and respond to the inquiry as I am on the email string.

Donna

Donna K. Kane
Section Chief VAWA
Vermont Service Center
802-527-4752

From: [REDACTED]
Sent: Wednesday, April 27, 2016 10:24 PM
To: Rodriguez, Leon; alejandro.mayorkas@dhs.gov; Alejandro.N.Mayorkas@uscis.dhs.gov
Cc: mayoredwinlee@sfgov.org; senator@feinstein.senate.gov; Akhaja@comcast.net; Robert.Silvers@uscis.dhs.gov; Kane, Donna K; talktodol@dol.gov; klee@ostp.eop.gov
Subject: Delay from USCIS for MTR // Re: Help from USICS this Christmas for a tiny San Francisco startup

Hi Leon et al. :

The MTR for my H1B was filed in JUNE 2015. It is Apr 27, 2016 now, nearly a year has passed. We haven't received approval notice, RFE, Notice of transfer to AAO, or any other action from field office except for receipt of acceptance in June 2015. We have filed 3 SR in this regard since October 2015 and all the three SRs were closed by CIS Customer Service without providing any reply what so ever. The first SR back in Oct 2015 did say we will process ASAP but nothing happened after that.

This is against policies set up by USCIS:

- AAO processing time for our MTR is less than 6 months as of April 1 2016. It has been more than 6 months now. Filed June 2015.
- Field office can not wait for more than 45 days after the MTR has been filed unless they make a favorable decision. They need to transfer the case to AAO. No Notice of Transfer to the AAO has been received.

Reference:

- AAO processing time: [link](#)
- Practic Manual, Ch 6, Contacting AAO: [link](#)

It was delays like these that resulted in my AOS (last stage of Green Card) being denied after an approved I-140 in EB1. Motion to Reconsider for AOS petition was bluntly denied where we asked for relief due to delay from

[REDACTED]

Hello Leon and Alejandro:

Same delay resulted in the Green Card AOS (after an approved I-140 EB1) being rejected due to the 180 days rule of pending H1B. This happened during AI's tenure as the USCIS Director. I had met you and your staff (Emery Moore, Rob Silvers - both CCed) at NASA Ames in Mountain View, CA to explain the issues faced by tech founders like me.

If you are not willing or able to help, shall I stop my expansion plans to hire more staff in California and move my company to out of San Francisco to London/UK or Canada? So far, all I have received is more questions in form of RFEs/MTRs that has resulted in paying fees to layers and USCIS instead of a sincere gesture of help saying "Yes, Federal and California government likes entrepreneurs and we encourage you to stay and create more jobs" . Response that I received from President Obama as well as from Senator Dianne Feinstein is attached for your reference.

After doing some research myself (Brown University education credited for it even though I have MS in Computer Science), it is clear that US laws has supported founders and entrepreneurs since 1950s - For example, Matter of Aphrodite Investments, Ltd., 17 I&N Dec. 530 (Cornm. 1980). So the issue has to be with your staff not interpreting the laws in a way that encourages small businesses, supports tech founders like me, and help create more jobs in U.S.A. Am I correct?

Kind reagards,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CCing:

- San Francisco Mayor, Ed Lee
- U.S. Senator Dianne Feinstein
- USCIS extended team: Emery Moore, Rob Silvers, Donna Kane
- Tom Perez, U.S. Secretary of Labor
- For White House Office of Science and Technology Policy, Kristin Lee

On Mon, Aug 17, 2015 at 12:46 PM, [REDACTED] wrote:

Hello USCIS team:

Thanks for the reply. **Your comment below "*USCIS records do not show that you filed a Form I-290B in connection to the denial of your Form I-485.*" is not correct as we did file I-129B (attached as a reference) and it was denied.** Further, please see the attached filed I-290B MTR denial response in connection to Form I-485 denial.

The inherent issue is that USCIS is not admitting they held a role in the problem that I am facing.

My AOS/Green card MTR was bluntly denied after an approved I-140 in EB1 category. The AOS MTR was a request for USCIS to use their discretion and approve the AOS even though there was the underlying issue of my lack of status due to pending H1B application. We urged USCIS that based on their prolonged inactivity on the H1B this was in essence an issue caused by USCIS. USCIS did buy this argument.

Please help. This is an issue I face due to the delay caused by USCIS and you are not providing any relief. It is not a legal question but related to business ethics.

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

On Fri, Feb 27, 2015 at 5:51 PM, USCIS Customer Assistance <CAO@uscis.dhs.gov> wrote:

Dear [REDACTED]

On behalf of U.S. Citizenship and Immigration Services (USCIS) Director León Rodríguez, thank you for your email received October 19, 2014 dated January 22, 2015, regarding the decision on your Form I-485, Application to Register Permanent Residence or Adjust Status.

Your email was forwarded to the USCIS, Customer Assistance Office and has been assigned case [REDACTED]. Our office is committed to helping USCIS customers resolve any problems they might have encountered when applying for immigration services and benefits. We understand your concerns and are dedicated to providing you with accurate information and guidance.

You stated in your email that the delay in adjudicating your Form I-129, Petition for Nonimmigrant Worker, resulted in the denial of your Form I-485. Our records indicate the Nebraska Service Center denied your Form I-485 on July 24, 2014. USCIS records show that your Form I-485 was denied, in part, because you were out of status for a period which exceeded 180 days. Specifically, the denial of your Form I-485 states:

A review of your application or USCIS records shows that you failed to maintain, continuously, a lawful status, or engaged in unauthorized employment, or otherwise violated the terms and conditions of your admission.

Specifically, the record shows that you lawfully entered the United States on

July 13, 2010, with an H1B nonimmigrant visa. While the record shows that petitions have been filed to extend your stay in the United States until January 15, 2013, the last petition to extend your stay was denied, which means that you have been outside of a lawful nonimmigrant status as of January 16, 2013. As stated above, this application was filed on January 24, 2014, so the record shows that you have been out of status for a period which exceeded 180 days and that you are ineligible to adjust under section 245(k) of the Act.

The Nebraska Service Center sent you a notice explaining the reason for their decision. Please note that the decision made by the Nebraska Service Center is final and the Customer Assistance Office is unable to change any decision made by a USCIS office or service center.

In addition, you stated in your email that you filed a Form I-290B, Notice of Appeal or Motion, in response to the denial for your Form I-485, but there has been no communication since.

USCIS records do not show that you filed a Form I-290B in connection to the denial of your Form I-485. USCIS records show that a Form I-290B, with receipt number [REDACTED] was filed on August 25, 2014, in connection to the denial of the Form I-129 that you are the beneficiary of.

Due to rules set forth in the Privacy Act of 1974, we cannot discuss the issues or share information concerning this Form I-129 because it is not clear you are the subject of the requested information or have the legal authority to act on behalf of the petitioner, [REDACTED]

However, if [REDACTED] would like to contact us, our mailing address is:

U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services

Customer Assistance Office

111 Massachusetts Avenue, NW, MS 2260

Washington, DC 20529

Please note the above address is for mailing purposes only. We are unable to accept inquiries in-person.

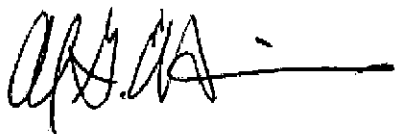
When contacting USCIS please ensure that Skive It, Inc. includes the following information in their letter:

- Full names (including ALL other names ever used);
- Date(s) of birth;
- Country of birth;
- Current address;
- A-File number(s) (if any); and
- Receipt number(s) (if any).

If you need additional help with an immigration-related issue in the future, please visit our website at www.uscis.gov or call our National Customer Service Center at [1-800-375-5283](tel:1-800-375-5283).

We hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read 'Al Eskalis', followed by a horizontal line.

Al Eskalis

Chief of Customer Assistance

Mw

Sun, Selina (MYR)

From: [REDACTED]
Sent: Monday, May 09, 2016 12:45 AM
To: Kane, Donna K
Cc: Rodriguez, Leon; alejandro.mayorkas@dhs.gov; Alejandro.N.Mayorkas@uscis.dhs.gov; Lee, Mayor (MYR); senator@feinstein.senate.gov; [REDACTED]; Robert.Silvers@uscis.dhs.gov; talktodol@dol.gov; klee@ostp.eop.gov
Subject: Re: Delay from USCIS for MTR // Re: Help from USICS this Christmas for a tiny San Francisco startup

Hi Leon:

Many thanks to Donna for the help. We got the decision response on Friday from the California Service Center (Ana L Rili on point) within a week once Donna interjected, after a wait of 11 months (H1B MTR was filed in June 2015). It was delays like these that resulted in the denial of the Adjustment of Status/I-485 in the first place.

USCIS re-denied the H1B application since we only submit a document with the last MTR but not before that, claiming that due to this the newly submitted document bears no evidentiary value. Not submitting the document earlier was a mistake. It seems the USCIS processes are so complex that even my lawyer had no clue on whether she was supposed to submit the most recent equity distribution document, all of them till date or the earliest. It was only made clear in the second denial notice for MTR that CIS was asking for the earliest.

But most important, the field office totally ignored everything else my lawyer stated in response. She mentioned AAO/BIA cases (Matter of Aphrodite Investments, Ltd beside others) related to a corporation being a separate legal identity from its owner.

Any help in this respect will be very much appreciated.

[REDACTED]

[REDACTED]

[REDACTED]

On Thu, Apr 28, 2016 at 4:54 AM, Kane, Donna K <Donna.K.Kane@uscis.dhs.gov> wrote:

Donna Kane her at the VSC – I will look into this and respond to the inquiry as I am on the email string.

Donna

Donna K. Kane

Section Chief VAWA

Vermont Service Center

802-527-4752

From: [REDACTED]

Sent: Wednesday, April 27, 2016 10:24 PM

To: Rodriguez, Leon; alejandro.mayorkas@dhs.gov; Alejandro.N.Mayorkas@uscis.dhs.gov

Cc: mayoredwinlee@sfgov.org; senator@feinstein.senate.gov; [REDACTED] Robert.Silvers@uscis.dhs.gov;

Kane, Donna K; talktodol@dol.gov; klee@ostp.eop.gov

Subject: Delay from USCIS for MTR // Re: Help from USICS this Christmas for a tiny San Francisco startup

Hi Leon et al. :

The MTR for my H1B was filed in JUNE 2015. It is Apr 27, 2016 now, nearly a year has passed. We haven't received approval notice, RFE, Notice of transfer to AAO, or any other action from field office except for receipt of acceptance in June 2015. We have filed 3 SR in this regard since October 2015 and all the three SRs were closed by CIS Customer Service without providing any reply what so ever. The first SR back in Oct 2015 did say we will process ASAP but nothing happened after that.

This is against policies set up by USCIS:

- AAO processing time for our MTR is less than 6 months as of April 1 2016. It has been more than 6 months now. Filed June 2015.
- Field office can not wait for more than 45 days after the MTR has been filed unless they make a favorable decision. They need to transfer the case to AAO. No Notice of Transfer to the AAO has been received.

Reference:

- AAO processing time: [link](#)
- Practic Manual, Ch 6, Contacting AAO: [link](#)

It was delays like these that resulted in my AOS (last stage of Green Card) being denied after an approved I-140 in EB1. Motion to Reconsider for AOS petition was bluntly denied where we asked for relief due to delay from USCIS. The delay in the adjudication of the petition was outside of my control. 180 days lapsed -- reason given by USCIS for AOS denial -- because UCIS did not adjudicate the H1B file in a timely fashion. It is a technical violation resulting from inaction by USCIS. CFR 245.1 (d)(2)(ii). See attached documents as a reference on what was filed for the motion.

USCIS is deliberately delayed processing of what was filed for my H1B in the past to make a case against me instead of helping me to stay in US and grow my company. This does not sound right to me who is just tech founder of a startup and not a lawyer. I have researched in some of the top research labs in the world including MIT Media Labs, IBM Research, Intel Research, HP Labs with MS from Brown University. The technology me and my startup are building has a wide applicability. Even the venture wing of FBI/CIA showed interested in our technology. Irony is that instead of helping me stay in US, you like to do whatever it takes to throw me out including using the unethical tactic of 'delay'

Please help.

[REDACTED]

[REDACTED]

[REDACTED]

On Wed, Jan 27, 2016 at 1:17 PM, [REDACTED] wrote:

Hi Leon and Alejandro:

Sorry for bothering you both again, but this is important and we here in the valley can really appreciate your help. Happy New Year.

Many thanks,

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
On Tue, Jan 5, 2016 at 11:08 AM, [REDACTED] wrote:

Hello Leon and Alejandro:

Since it was the holiday weekend re-sending for your help.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On Wed, Dec 30, 2015 at 4:42 PM, [REDACTED] wrote:

Hello Leon and Alejandro:

Merry Christmas. It has been 3 years since the H1B for me was filed with your team with the last motion to reopen/reconsider pending for almost 5 months now. The LC was approved by the Labor Department from December 2012 till December 2015 and the delay in response from your staff on H1B has again got me in a difficult situation.

Same delay resulted in the Green Card AOS (after an approved I-140 EB1) being rejected due to the 180 days rule of pending H1B. This happened during Al's tenure as the USCIS Director. I had met you and your staff (Emery Moore, Rob Silvers - both CCed) at NASA Ames in Mountain View, CA to explain the issues faced by tech founders like me.

If you are not willing or able to help, shall I stop my expansion plans to hire more staff in California and move my company to out of San Francisco to London/UK or Canada? So far, all I have received is more questions in form of RFEs/MTRs that has resulted in paying fees to layers and USCIS instead of a sincere gesture of help saying "Yes, Federal and California government likes entrepreneurs and we encourage you to stay and create more jobs". Response that I received from President Obama as well as from Senator Dianne Feinstein is attached for your reference.

After doing some research myself (Brown University education credited for it even though I have MS in Computer Science), it is clear that US laws has supported founders and entrepreneurs since 1950s - For example, Matter of Aphrodite Investments, Ltd., 17 I&N Dec. 530 (Cornm. 1980). So the issue has to be with your staff not interpreting the laws in a way that encourages small businesses, supports tech founders like me,

and help create more jobs in U.S.A. Am I correct?

Hope to hear from both of you. Please feel free to call me at your convenience my cell [REDACTED]

Kind regards,

[REDACTED]

[REDACTED]

[REDACTED]

CCing:

- San Francisco Mayor, Ed Lee
- U.S. Senator Dianne Feinstein
- USCIS extended team: Emery Moore, Rob Silvers, Donna Kane
- Tom Perez, U.S. Secretary of Labor
- For White House Office of Science and Technology Policy, Kristin Lee

On Mon, Aug 17, 2015 at 12:46 PM, [REDACTED] wrote:

Hello USCIS team:

Thanks for the reply. **Your comment below "*USCIS records do not show that you filed a Form I-290B in connection to the denial of your Form I-485.*" is not correct as we did file I-129B (attached as a reference) and it was denied.** Further, please see the attached filed I-290B MTR denial response in

connection to Form I-485 denial.

The inherent issue is that USCIS is not admitting they held a role in the problem that I am facing.

My AOS/Green card MTR was bluntly denied after an approved I-140 in EB1 category. The AOS MTR was a request for USCIS to use their discretion and approve the AOS even though there was the underlying issue of my lack of status due to pending H1B application. We urged USCIS that based on their prolonged inactivity on the H1B this was in essence an issue caused by USCIS. USCIS did buy this argument.

Please help. This is an issue I face due to the delay caused by USCIS and you are not providing any relief. It is not a legal question but related to business ethics.

Kind regards,

[REDACTED]

On Fri, Feb 27, 2015 at 5:51 PM, USCIS Customer Assistance <CAO@uscis.dhs.gov> wrote:

Dear [REDACTED]:

On behalf of U.S. Citizenship and Immigration Services (USCIS) Director León Rodríguez, thank you for your email received October 19, 2014 dated January 22, 2015, regarding the decision on your Form I-485, Application to Register Permanent Residence or Adjust Status.

Your email was forwarded to the USCIS, Customer Assistance Office and has been assigned case [REDACTED]. Our office is committed to helping USCIS customers resolve any problems they might have encountered when applying for immigration services and benefits. We understand your concerns and are dedicated to providing you with accurate information and guidance.

You stated in your email that the delay in adjudicating your Form I-129, Petition for Nonimmigrant Worker, resulted in the denial of your Form I-485. Our records indicate the Nebraska Service Center denied your Form I-485 on July 24, 2014. USCIS records show that your Form I-485 was denied, in part, because you were out of status for a period which exceeded 180 days. Specifically, the denial of your Form I-485 states:

A review of your application or USCIS records shows that you failed to maintain, continuously, a lawful status, or engaged in unauthorized employment, or otherwise violated the terms and conditions of your admission.

Specifically, the record shows that you lawfully entered the United States on

July 13, 2010, with an H1B nonimmigrant visa. While the record shows that petitions have been filed to extend your stay in the United States until January 15, 2013, the last petition to extend your stay was denied, which means that you have been outside of a lawful nonimmigrant status as of January 16, 2013. As stated above, this application was filed on January 24, 2014, so the record shows that you have been out of status for a period which exceeded 180 days and that you are ineligible to adjust under section 245(k) of the Act.

The Nebraska Service Center sent you a notice explaining the reason for their decision. Please note that the decision made by the Nebraska Service Center is final and the Customer Assistance Office is unable to change any decision made by a USCIS office or service center.

In addition, you stated in your email that you filed a Form I-290B, Notice of Appeal or Motion, in response to the denial for your Form I-485, but there has been no communication since.

USCIS records do not show that you filed a Form I-290B in connection to the denial of your Form I-485. USCIS records show that a Form I-290B, with receipt number [REDACTED] was filed on August 25, 2014, in connection to the denial of the Form I-129 that you are the beneficiary of.

Due to rules set forth in the Privacy Act of 1974, we cannot discuss the issues or share information concerning this Form I-129 because it is not clear you are the subject of the requested information or have the legal authority to act on behalf of the petitioner, Skive It, Inc.

However, [REDACTED] would like to contact us, our mailing address is:

U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services

Customer Assistance Office

111 Massachusetts Avenue, NW, MS 2260

Washington, DC 20529

Please note the above address is for mailing purposes only. We are unable to accept inquiries in-person.

When contacting USCIS please ensure that Skive It, Inc. includes the following information in their letter:

- Full names (including ALL other names ever used);
- Date(s) of birth;
- Country of birth;
- Current address;
- A-File number(s) (if any); and
- Receipt number(s) (if any).

If you need additional help with an immigration-related issue in the future, please visit our website at www.uscis.gov or call our National Customer Service Center at [1-800-375-5283](tel:1-800-375-5283).

We hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Eskalis", followed by a horizontal line extending to the right.

Al Eskalis

Chief of Customer Assistance

Mw

Sun, Selina (MYR)

From: [REDACTED]
Sent: Wednesday, April 27, 2016 7:24 PM
To: leon.rodriguez@uscis.dhs.gov; alejandro.mayorkas@dhs.gov;
Alejandro.N.Mayorkas@uscis.dhs.gov
Cc: Lee, Mayor (MYR); senator@feinstein.senate.gov; [REDACTED]
Robert.Silvers@uscis.dhs.gov; donna.kane@dhs.gov; talktodol@dol.gov;
klee@ostp.eop.gov
Subject: Delay from USCIS for MTR // Re: Help from USICS this Christmas for a tiny San Francisco startup
Attachments: 8.25.2014 I-290B with supporting documents.pdf; Timeline for AOS filing and denial .pdf

Hi Leon et al. :

The MTR for my H1B was filed in JUNE 2015. It is Apr 27, 2016 now, nearly a year has passed. We haven't received approval notice, RFE, Notice of transfer to AAO, or any other action from field office except for receipt of acceptance in June 2015. We have filed 3 SR in this regard since October 2015 and all the three SRs were closed by CIS Customer Service without providing any reply what so ever. The first SR back in Oct 2015 did say we will process ASAP but nothing happened after that.

This is against policies set up by USCIS:

- AAO processing time for our MTR is less than 6 months as of April 1 2016. It has been more than 6 months now. Filed June 2015.
- Field office can not wait for more than 45 days after the MTR has been filed unless they make a favorable decision. They need to transfer the case to AAO. No Notice of Transfer to the AAO has been received.

Reference:

- AAO processing time: [link](#)
- Practic Manual, Ch 6, Contacting AAO: [link](#)

It was delays like these that resulted in my AOS (last stage of Green Card) being denied after an approved I-140 in EB1. Motion to Reconsider for AOS petition was bluntly denied where we asked for relief due to delay from USCIS. The delay in the adjudication of the petition was outside of my control. 180 days lapsed -- reason given by USCIS for AOS denial -- because UCIS did not adjudicate the H1B file in a timely fashion. It is a technical violation resulting from inaction by USCIS. CFR 245.1 (d)(2)(ii). See attached documents as a reference on what was filed for the motion.

USCIS is deliberately delayed processing of what was filed for my H1B in the past to make a case against me instead of helping me to stay in US and grow my company. This does not sound right to me who is just tech founder of a startup and not a lawyer. I have researched in some of the top research labs in the world including MIT Media Labs, IBM Research, Intel Research, HP Labs with MS from Brown University. The technology me and my startup are building has a wide applicability. Even the venture wing of FBI/CIA showed interested in our technology. Irony is that instead of helping me stay in US, you like to do whatever it takes to throw me out including using the unethical tactic of 'delay'

Please help.

[REDACTED]

wrote:

Sorry for bothering you both again, but this is important and we here in the valley can really appreciate your help. Happy New Year.

[REDACTED]

[REDACTED]

wrote:

Since it was the holiday weekend re-sending for your help.

[REDACTED]

[REDACTED]

wrote:

Hello Leon and Alejandro:

Merry Christmas. It has been 3 years since the H1B for me was filed with your team with the last motion to reopen/reconsider pending for almost 5 months now. The LC was approved by the Labor Department from December 2012 till December 2015 and the delay in response from your staff on H1B has again got me in a difficult situation.

Same delay resulted in the Green Card AOS (after an approved I-140 EB1) being rejected due to the 180 days rule of pending H1B. This happened during Al's tenure as the USCIS Director. I had met you and your staff (Emery Moore, Rob Silvers - both CCed) at NASA Ames in Mountain View, CA to explain the issues faced by tech founders like me.

If you are not willing or able to help, shall I stop my expansion plans to hire more staff in California and move my company to out of San Francisco to London/UK or Canada? So far, all I have received is more questions in form of RFEs/MTRs that has resulted in paying fees to layers and USCIS instead of a sincere gesture of help saying "Yes, Federal and California government likes entrepreneurs and we encourage you to stay and create more jobs". Response that I received from President Obama as well as from Senator Dianne Feinstein is attached for your reference.

After doing some research myself (Brown University education credited for it even though I have MS in Computer Science), it is clear that US laws has supported founders and entrepreneurs since 1950s - For example, Matter of Aphrodite Investments, Ltd., 17 I&N Dec. 530 (Comm. 1980). So the issue has to be with your staff not interpreting the laws in a way that encourages small businesses, supports tech founders like me, and help create more jobs in U.S.A. Am I correct?

Hope to hear from both of you. Please feel free to call me at your convenience my cell [REDACTED]

Kind regards,

[REDACTED]

CCing:

- San Francisco Mayor, Ed Lee
- U.S. Senator Dianne Feinstein
- USCIS extended team: Emery Moore, Rob Silvers, Donna Kane
- Tom Perez, U.S. Secretary of Labor
- For White House Office of Science and Technology Policy, Kristin Lee

On Mon, Aug 17, 2015 at 12:46 PM, [REDACTED] wrote:

Hello USCIS team:

Thanks for the reply. **Your comment below "*USCIS records do not show that you filed a Form I-290B in connection to the denial of your Form I-485.*" is not correct as we did file I-129B (attached as a reference) and it was denied.** Further, please see the attached filed I-290B MTR denial response in connection to Form I-485 denial.

The inherent issue is that USCIS is not admitting they held a role in the problem that I am facing.

My AOS/Green card MTR was bluntly denied after an approved I-140 in EB1 category. The AOS MTR was a request for USCIS to use their discretion and approve the AOS even though there was the underlying issue of my lack of status due to pending H1B application. We urged USCIS that based on their prolonged inactivity on the H1B this was in essence an issue caused by USCIS. USCIS did buy this argument.

Please help. This is an issue I face due to the delay caused by USCIS and you are not providing any relief. It is not a legal question but related to business ethics.

Kind regards,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On Fri, Feb 27, 2015 at 5:51 PM, USCIS Customer Assistance <CAO@uscis.dhs.gov> wrote:

Dear [REDACTED]

On behalf of U.S. Citizenship and Immigration Services (USCIS) Director León Rodríguez, thank you for your email received October 19, 2014 dated January 22, 2015, regarding the decision on your Form I-485, Application to Register Permanent Residence or Adjust Status.

Your email was forwarded to the USCIS, Customer Assistance Office and has been assigned case # [REDACTED]. Our office is committed to helping USCIS customers resolve any problems they might have encountered when applying for immigration services and benefits. We understand your concerns and are dedicated to providing you with accurate information and guidance.

You stated in your email that the delay in adjudicating your Form I-129, Petition for Nonimmigrant Worker, resulted in the denial of your Form I-485. Our records indicate the Nebraska Service Center denied your Form I-485 on July 24, 2014. USCIS records show that your Form I-485 was denied, in part, because you were out of status for a period which exceeded 180 days. Specifically, the denial of your Form I-485 states:

A review of your application or USCIS records shows that you failed to maintain, continuously, a lawful status, or engaged in unauthorized employment, or otherwise violated the terms and conditions of your admission.

Specifically, the record shows that you lawfully entered the United States on

July 13, 2010, with an H1B nonimmigrant visa. While the record shows that petitions have been filed to extend your stay in the United States until January 15, 2013, the last petition to extend your stay was denied, which means that you have been outside of a lawful nonimmigrant status as of January 16, 2013. As stated above, this application was filed on January 24, 2014, so the record shows that you have been out of status for a period which exceeded 180 days and that you are ineligible to adjust under section 245(k) of the Act.

The Nebraska Service Center sent you a notice explaining the reason for their decision. Please note that the decision made by the Nebraska Service Center is final and the Customer Assistance Office is unable to change any decision made by a USCIS office or service center.

In addition, you stated in your email that you filed a Form I-290B, Notice of Appeal or Motion, in response to the denial for your Form I-485, but there has been no communication since.

USCIS records do not show that you filed a Form I-290B in connection to the denial of your Form I-485. USCIS records show that a Form I-290B, with receipt number [REDACTED] was filed on August 25, 2014, in connection to the denial of the Form I-129 that you are the beneficiary of.

Due to rules set forth in the Privacy Act of 1974, we cannot discuss the issues or share information concerning this Form I-129 because it is not clear you are the subject of the requested information or have the legal authority to act on behalf of the petitioner, [REDACTED]

However, if [REDACTED] would like to contact us, our mailing address is:

U.S. Department of Homeland Security

U.S. Citizenship and Immigration Services

Customer Assistance Office

111 Massachusetts Avenue, NW, MS 2260

Washington, DC 20529

Please note the above address is for mailing purposes only. We are unable to accept inquiries in-person.

When contacting USCIS please ensure that Skive It, Inc. includes the following information in their letter:

- Full names (including ALL other names ever used);
- Date(s) of birth;
- Country of birth;
- Current address;
- A-File number(s) (if any); and
- Receipt number(s) (if any).

If you need additional help with an immigration-related issue in the future, please visit our website at www.uscis.gov or call our National Customer Service Center at [1-800-375-5283](tel:1-800-375-5283).

We hope this information is helpful.

Sincerely,

A handwritten signature in black ink, appearing to read "Al Eskalis", followed by a horizontal line.

Al Eskalis

Chief of Customer Assistance

Mw

H1B Time line

Issue that MRT #2 addressed and is denied:

% equity determining employee-employer relationship. We clearly stated that [REDACTED] do not have majority % equity as of 05/01/2013 (verbal agreement) and 06/24/2014 (paper agreement). We can provide affidavits if needed. The detailed decision notice is not yet received.

5/12/2015: Decision Notice Mailed [Not received as of 5/15/15]

On May 12, 2015, we denied your Form I-129, Petition for a Nonimmigrant Worker, Receipt Number [REDACTED]. We mailed you a decision notice that explains why we denied your case and your options. Please follow the instructions in the notice. If you do not receive your denial notice by May 27, 2015, please go to www.uscis.gov/e-request to request a copy of the notice. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

04/30/2015: We reopened your Form I-129, Petition for a Nonimmigrant Worker, and are reconsidering our earlier decision.

04/30/2015: We reopened your Form I-129, Petition for a Nonimmigrant Worker.

01/13/2015: We mailed a denial decision notice for your Form I-129 Petition for a Nonimmigrant Worker.

11/20/2014: We reopened your Form I-129, Petition for a Nonimmigrant Worker, and are reconsidering our earlier decision.

11/20/2014: We reopened your Form I-129, Petition for a Nonimmigrant Worker.

07/14/2014: We mailed a denial decision notice for your Form I-129 Petition for a Nonimmigrant Worker.

01/29/2014: RFE #2 received

01/09/2014: On January 9, 2014, your inquiry about why your case is taking longer than our processing time, referral number [REDACTED] was completed.

01/09/2014: On January 9, 2014, we sent a response to your inquiry about why your case is taking longer than our processing time, referral number [REDACTED]

01/07/2014: On January 7, 2014, your inquiry about why your case is taking longer than our processing time, referral number [REDACTED] was assigned to an officer for response.

11/20/2013: On November 20, 2013, your inquiry about why your case is taking longer than our processing time, referral number [REDACTED] was completed.

11/20/2013: On November 20, 2013, we sent a response to your inquiry about why your case is taking longer than our processing time, referral number [REDACTED]

11/15/2013: On November 15, 2013, your inquiry about why your case is taking longer than our processing time, referral number [REDACTED] was assigned to an officer for response.

4/08/2013 RFE #1 responded

On July 24, 2014, we denied your Form I-485, Application to Register Permanent Residence or to Adjust Status, Receipt Number [REDACTED]. We mailed you a decision notice that explains why we denied your case and your options. Please follow the instructions in the notice. If you do not receive your denial notice by August 8, 2014, please go to www.uscis.gov/e-request to request a copy of the notice. If you move, go to www.uscis.gov/addresschange to give us your new mailing address.

06/25/2014: On June 25, 2014, your inquiry about why your case is taking longer than our processing time, referral number [REDACTED] was completed.

06/25/2014: On June 25, 2014, we sent a response to your inquiry about why your case is taking longer than our processing time, referral number [REDACTED]

06/16/2014: On June 16, 2014, your inquiry about why your case is taking longer than our processing time, referral number [REDACTED] was assigned to an officer for response.

05/14/2014: EAD/AP Card received

04/15/2014: I-140 EB1(A) approval notice received

02/28/2014: RFE for I-140 in EB1(A) answered

01/29/2014: Receipt for I-765 (Application for Employment Authorization) received

01/29/2014: Receipt for AOS/I-485 received

01/29/2014: Receipt for I-131 (App for Travel Document) received

01/24/2014: AOS/I-485 filed

01/24/2014: I-131 (App for Travel Document) filed

01/24/2014: I-765 (Application for Employment Authorization) filed

12/06/2013: RFE for I-140 in EB1(A) received

01/25/2013: I-797C receipt notice for EB1(A)

01/08/2013: I-140 in EB1(A) Alien of Extraordinary Ability filed [REDACTED]